

**REMARKS**

**The Section 103 Rejections**

Claims 1-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jungck et al., U.S. Patent Application No. 2002/0065938 ("Jungck") in view of Lewis et al., U.S. Patent Application No. 2003/0110396 ("Lewis"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

**A.) The Deficiencies of Jungck**

In the Final Office Action, the Examiner takes the position that Jungck discloses the classification step of claims 1, 12 and 25. In particular, the Examiner takes the position that Jungck discloses "classifying session cache entries made in memory into different memory cache classes according to one or more characteristics of those entries..." Applicants respectfully disagree.

Applicants have read the excerpts from Jungck relied on by the Examiner in support of his position, namely page 10, paragraph 80 and page 12 paragraphs 87-90. Based on Applicants understanding of these excerpts they do not support the Examiner's position.

These excerpts appear to disclose a "classification adapter" for resolving Domain Name Server ("DNS") requests, not for classifying "session cache" entries as in claims 1 and 12 nor for determining "a class into which a given

session of communications traffic falls” as in claim 25 of the present invention.

Further support for Applicants position can be found in the Examiner's rejection of claim 2. Instead of relying on Jungck to reject claim 2 the Examiner relies on Lewis. Claim 2 includes examples of characteristics that are used in the classification step of claim 1. Because Jungck does not, even generally, perform the classification step of claim 1 it cannot perform a classification step using the specific characteristics set forth in claim 2. Said another way, the fact that Jungck does not disclose specific characteristics of the claimed classification step is further proof that Jungck does not perform any classification of cache entries whatsoever.

In addition, Jungck fails to disclose the selection, deletion or pruning steps of the claims of the present invention. As indicated in the Final Office Action (see page 3), the Examiner acknowledges that Jungck “fail [sic] to disclose selecting session cache entries for deletion” and their subsequent deletion when network overload occurs. To overcome this deficiency the Examiner relies on Lewis.

**B.) Lewis does not Overcome the Deficiencies of Jungck**

Applicants' attorney has read the excerpts from Lewis, namely page 12, paragraph 120, and page 13, paragraphs 130 and 136, referred to in the Final Office Action in which the Examiner states that Lewis discloses the claimed selection and deletion of classified cache entries. However, it is respectfully submitted that these excerpts do not disclose, nor suggest, the

selection and deletion of the claimed session cache entries in claims 1 and 12 or the pruning of “selected sessions...in accordance with said communication traffic classification and memory thresholds” (claim 25).

In general, Lewis is directed at methods for predicting Distributed Denial of Service (DDoS) attacks aimed at an operating system. As set forth in Lewis, it is important to minimize false alarms regarding such attacks. One way in which Lewis recommends that false alarms be minimized is through the use of so-called “Key Events.” By using Key Events, false alarms may be prevented with only small reductions in attack detection rates.

Contrary to the Examiner’s statements, Lewis does not disclose or suggest the selection and deletion of session cache entries as in the claims of the present invention. Rather, Lewis appears to disclose the use of the Key Events to prevent DDOS attacks aimed at an operating system. That is, Lewis is not at all concerned with cache level attacks much less the selection, deletion and/or pruning of session cache entries. Instead, Lewis is directed at attacks that are aimed at an operating system level.

In addition, as set forth in Applicants’ earlier response Applicants respectfully submit that one of ordinary skill in the art would not equate the Key Events disclosed in Lewis with the session cache entries of the present invention.

In sum, Applicants respectfully submit that the claims of the present invention would not have been obvious to one of ordinary skill in the art at the time the present application was filed upon reading the disclosures of

Jungck or Lewis either separately or in combination because neither singularly nor in combination suggests session cache entries.

**C.) The Combination of Jungck and Lewis is improper**

Applicants also respectfully submit that the combination of Jungck and

Lewis is improper because such a combination requires the principle of operation of either Jungck or Lewis to be changed; this is impermissible (see MPEP §2143.01). Applicants respectfully submit that while Jungck appears to be somewhat related to cache level operations, Lewis is not. Instead, Lewis is concerned with operating system level operations. Therefore, either the principle of operation of Jungck would have to be changed to an operating system level or the principle of Lewis would have to be changed to a cache level operation; neither is permissible.

**CONCLUSION**

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-30.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.


In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted.

HARNES, DICKEY, & PIERCE, P.L.C.

By



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